

SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

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**DISSOLUTION OF MARRIAGE/LEGAL SEPARATION/NULLITY
FORMS AND GENERAL INFORMATION PACKET**

PART II. FINISHING YOUR CASE

TYPE A: TRUE DEFAULT

This packet includes forms and instructions to *finish* your Dissolution of Marriage (Divorce)/Legal Separation/Nullity case. The instructions are on colored paper, the forms are on white. Please read all of the instructions before you begin.

ALERT! The forms contained in this packet finish your case. If you have not started your case, you must obtain the first packet entitled “Part I. Beginning the Process.”

NOTE: ALL BOLDED ITEMS IN THESE INSTRUCTIONS ARE THE NAMES OF FORMS FOLLOWED BY THE FORM NUMBER.

In order to determine which forms are required to finish your case, you must first determine which type of case you have. The four different types are listed below:

- TYPE A:** **PETITION** filed and served, no **RESPONSE** filed within 30 days of completed service of the Petition and Summons, and you and your spouse **DO NOT HAVE A WRITTEN AGREEMENT**. This type of case is referred to as a **TRUE DEFAULT CASE** (Yellow Packet).
- TYPE B:** **PETITION** filed and served, no **RESPONSE** filed within 30 days of completed service of the Petition and Summons, and you and your spouse **HAVE A WRITTEN AGREEMENT** on all issues. This type of case is referred to as a **DEFAULT CASE** (Green Packet).
- TYPE C:** **PETITION** filed and served, **RESPONSE** filed and served, and you and your spouse **HAVE A WRITTEN AGREEMENT** on all issues. This type of case is referred to as an **UNCONTESTED CASE** (Pink Packet).

TYPE D: **PETITION** filed and served, **RESPONSE** filed and served, and there is **NO WRITTEN AGREEMENT** on all issues. This type of case is referred to as a **CONTESTED CASE** (seek legal assistance). (Golden Rod Packet)

Once you have determined which type of case you have, follow the instructions. All steps must be completed and all information must be provided before your Judgment can be granted. If your case is either a **TYPE A, B or C**, you most likely will be able to obtain a final Judgment without ever appearing in court. If your case is a **TYPE D**, you should seek legal assistance or consult with the Family Law Facilitator.

Note! A written agreement, as used in these instructions, means a document signed by both parties, which includes the terms of your agreement regarding your community/separate property, spousal support, child support, and child custody and visitation,

TYPE A. TRUE DEFAULT CASE

No Response filed within 30 days of completed service of **Petition** and **Summons** and no written agreement.

ALERT! COMPLETION OF FORMS—(All forms in the first packet entitled “Part I. Beginning the Process” must be filed first).

1. To finish your case, the following forms must be completed.

- ☐ **Request to Enter Default** (Form FL-165) www.courtinfo.ca.gov/forms/fillable/fl165.pdf
Complete and submit this form only after 30 days have passed since your spouse was served with the **Petition** and **Summons** and **no Response** was filed, and you have filed the **Proof of Service of Summons** as explained in the first packet, “Part I. Beginning the Process.”
- ☐ **Declaration for Default or Uncontested Dissolution or Legal Separation** (FL-170) www.courtinfo.ca.gov/forms/fillable/fl170.pdf This form allows you to finalize your divorce without going to court. Therefore, you must take great care in filing it out correctly. If you are requesting supervised visitation or sole legal or physical custody of your child(ren) you must state your reasons for the request and what the parenting arrangement has been since the parties separated. You may provide this information on page two of this form under “other,” or on a separate sheet of paper, which you may attach to this form.
- ☐ **Judgment** (FL-180) www.courtinfo.ca.gov/forms/fillable/fl180.pdf When completing this form, you must include proposed provisions on all of the following issues:
 - a. child custody and visitation
 - b. child support
 - c. property division, including confirming separate property and dividing community assets and debts
 - d. spousal support requests or waivers, and
 - e. restoration of former name, if applicable.

Additional forms are provided which may be necessary when addressing these provisions. All additional forms used must be attached to the **Judgment**. In a *True Default Case* (Type A), the **Judgment** may not address any issues that were not requested in the **Petition** and the division of community assets and debts must be equal.

List of Additional Forms:

Child Custody and Visitation Order Attachment (Form FL-341)

www.courtinfo.ca.gov/forms/fillable/fl341.pdf

Children's Holiday Schedule Attachment (Form FL-341(C))

www.courtinfo.ca.gov/forms/fillable/fl341c.pdf

Additional Provisions—Physical Custody Attachment (Form FL-341(D))

www.courtinfo.ca.gov/forms/fillable/fl341d.pdf

Joint Legal Custody Attachment (Form FL-341(E))

www.courtinfo.ca.gov/forms/fillable/fl341e.pdf

Child Support Information and Order Attachment (Form FL-342)

www.courtinfo.ca.gov/forms/fillable/fl342.pdf

Non-Guideline Child Support Findings Attachment (Form FL-342(A))

www.courtinfo.ca.gov/forms/fillable/fl342a.pdf

Spousal or Family Support Order Attachment (Form FL-343)

www.courtinfo.ca.gov/forms/fillable/fl343.pdf

Property Order Attachment to Judgment (Form FL-345)

www.courtinfo.ca.gov/forms/fillable/fl345.pdf

☐ If you have MINOR CHILDREN of the marriage, you must complete the following additional forms:

- a. **Income and Expense Declaration** (FL-150), which includes **Income** information, **Expenses**, and **Child Support** information (*the child support information page is only completed if your case involves child support, however, you must file all 4 pages with the court*) www.courtinfo.ca.gov/forms/fillable/fl150.pdf

Make sure to include each party's gross monthly income and an approximate percentage of time the child is with each parent. (Estimates are okay.)

- b. **Child Support Case Registry Form** (Form FL-191)

www.courtinfo.ca.gov/forms/fillable/fl191.pdf

- c. **Notice of Rights and Responsibilities—Health Care Costs and Reimbursement Procedures and Information on Changing a Child Support Order** (Form FL-192) (Attachment only)

www.courtinfo.ca.gov/forms/documents/fl192.pdf

- d. **Order/Notice to Withhold Income for Child Support** (FL-195)

www.courtinfo.ca.gov/forms/fillable/fl195.pdf

☐ **Notice of Entry of Judgment** (FL-190) www.courtinfo.ca.gov/forms/fillable/fl190.pdf
Complete this form and provide your address and your spouse's address in the boxes at the bottom of the form.

☐ **Family Law Judgment Checklist.** This form is your declaration that you have provided all of the required documents to the court. Answer all items under the "Default Case" section of this form, sign and date. If an item is not applicable, indicate with a "N/A." However, most items are required so check these instructions before assuming an item/document is not required.

FILING

2. The forms listed above should be submitted to the Express Window in the Clerk's Office at the same time. However, some forms have special filing requirements.

- a. **Request to Enter Default.** Submit **original and two copies** to the Express Window in the Clerk's Office, together with one *stamped* envelope addressed to your spouse with the court's address as the return address. The clerk will forward the request for processing. Once the file has been reviewed, the clerk will then enter default and mail the notice of default to your spouse. Additionally, if you would like a copy mailed to you, you must submit a self-addressed envelope with postage prepaid.
- b. **Declaration Regarding Service of *Final Declaration of Disclosure*** Only file these forms if you have not waived receipt as described in paragraph 1 above.
- c. **Family Law Judgment Checklist, Declaration for Default or Uncontested Dissolution or Legal Separation, and Judgment with *Marital Settlement Agreement*** attached. Submit **original and two copies** of each of these documents to the Express Window in the Clerk's Office. The clerk will forward the documents for processing. Once the **Judgment** has been signed, the clerk will file the original.

An optional large self-addressed stamped envelope with postage prepaid may be included if you would like copies of the **Declaration for Default or Uncontested Dissolution or Legal Separation** and **Judgment** mailed to you. Otherwise, the copies will be left in the "Pro Per Bin" which is located next to the Attorney bins, where you may pick them up approximately six (6) weeks after submission.

- d. If your *MSA* contains CHILD SUPPORT provisions, you must submit the original and two copies of the following documents along with the above-mentioned documents:
 - i. **Child Support Case Registry Form** (Form FL-191)
 - ii. **Stipulation to Establish or Modify Child Support and Order** (FL-350), if applicable

You must also attach the following informational sheets to the **Judgment**:

- iii. **Notice of Rights and Responsibilities—Health Care Costs and Reimbursement Procedures and Information on Changing a Child Support Order** (Form FL-192) (Attachment only)

If you would like the support to be garnished from the payor's paycheck, you must submit the original and two copies of the **Order/Notice to Withhold Income for Child Support**. After the judicial officer has signed this **Order/Notice**, you must mail the **Order/Notice** to your spouse's employer. If you need assistance,

contact the Family Law Assistance Center, which is located on the 3rd Floor of the courthouse.

- e. If your *MSA* contains SPOUSAL SUPPORT waivers and you were married for ten years or more, you must submit the original and two copies of the **Income and Expense Declaration** (all four pages) along with the above-mentioned documents. You may also submit the original and two copies of the **Earnings Assignment Order for Spousal Support** if you would like the payments to be taken from the payor's paychecks. After the judge has signed this **Order**, you must mail the **Order** to your spouse's employer. If you need assistance, contact the Family Law Assistance Center located on the 3rd Floor of the courthouse.
- f. **Notice of Entry of Judgment.** Submit *original and two copies* along with *two large stamped envelopes*, one addressed to you and the other addressed to your spouse with the court's address as the return address. These envelopes are **not** optional and are in addition to those required for the **Request to Enter Default**. The Clerk will enter the date of final Judgment on this form, file the original and mail one copy to you and the other copy to your spouse. If you provide large enough envelopes, the Clerk will include copies of the **Judgment** with attached Marital Settlement Agreement/Stipulated Judgment and **Declaration for Default or Uncontested Dissolution or Legal Separation** when mailing the **Notice of Entry of Judgment**.